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OFFICE OF PETITIONS

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
KYCP0005USA

First named inventor: Shu-Wen Sung

Application No.: 10/063,822

Art Unit: 2815

Filed: 05/16/2002

Examiner: Nguyen, Joseph H

Title: LIGHT EMITTING DIODE HAVING AN INSULATING SUBSTRATE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1330 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of Petition decision Mailed on 09/14/2004 (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____
- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Winston Hsu 9/23/2004
Signature Date

Winston Hsu 41,526
Typed or printed name Registration Number, if applicable

P.O. BOX 506 (886) 02-8923-7350
Address Telephone Number

Merrifield, VA 22116 U.S.A
Address

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Petition Decision Mailed on 09/14/2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

9/23/2004
Date

Signature

Typed or printed name of person signing certificate

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OFFICE OF PETITIONS**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

5 Applicants: Shu-Wen SUNG, Chin-Fu KU, Chia-Cheng LIU,
Min-Hsun HSIEH, Chao-Nien HUANG

Examiner: NGUYEN, JOSEPH

Filing Date: 05/16/2002

Art Unit: 2815

Serial No.: 10/063,822

Docket No.: KYCP0005USA

10

Title: LIGHT EMITTING DIODE HAVING AN INSULATING SUBSTRATE

To: Commissioner for Patents

P.O. BOX 1450

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Alexandria, VA 22313-1450

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SEP 23 2004

Subject: Petition under 37 CFR 1.137

Dear Sir/Madam:

20

In reply to the Official letter (Decision on Petition) mailed September 14, 2004, this is a request to reconsider the petition under 37 CFR 1.137(b) to revive the above-identified application, which became abandoned for
25 failure to timely file a proper reply to the Advisory Action mailed on January 08, 2004. It is understood that at this time, no reply to the Advisory Action and no amendments in reply to the Office Action of May 05, 2003 have been entered.

30

The entire delay in filing the required reply to the Advisory Action was unintentional. In addition,

please find attached a Request for Continued Examination (Item (1) in said Official letter). Accordingly, I hereby request that this petition be reconsidered and that this application be revived.

5

Respectfully submitted,



Date: 9/23/2004

10 Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506

Merrifield, VA 22116

U.S.A.

Facsimile: 806-498-6673

15 e-mail : winstonhsu@naipo.com

(Please contact me by e-mail if you need a telephone communication and I will return your call promptly.)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

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Paper 11

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116



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SEP 14 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Shu-Wen Sung et al.
Application No. 10/063,822
Filed: May 16, 2002
Attorney Docket No. KYCP0005USA

This is a decision on the petition, filed July 20, 2004 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is not final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the final Office Action mailed May 5, 2003. A response was filed October 8, 2003 with a three month extension of time request. By Advisory Action of January 8, 2004, petitioner was advised that the response did not place the application in condition for allowance. This application became abandoned on August 6, 2003. Accordingly, a Notice of Abandonment was mailed March 18, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

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(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The petition does not satisfy requirement (1) above.

The application became abandoned for failure to file a response within the meaning of 37 CFR 1.113 to the final rejection of May 5, 2003, within the time period for response. No response has been submitted with the petition to revive.

The only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application.

Petitioner must submit a proper reply to the final Office action mailed on May 5, 2003, with any renewed petition. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (703)872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.¹


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective September 27, 2004 the telephone number will be (571) 272-3212